



**Office of the United States Attorney
District of Arizona**

PRESS RELEASE

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For Information Contact Public Affairs
SANDY RAYNOR
Telephone: (602) 514-7625
Cell: (602) 525-2681

MEXICAN NATIONAL CONVICTED OF HOSTAGE TAKING

PHOENIX - Marcial Avila-Anguiano, 24, of Mexico, was found guilty here on August 24, 2005 by a federal jury of Conspiracy to Commit Hostage Taking; Hostage Taking; Using, Carrying and Brandishing a Firearm During and in Relation to a Crime of Violence; and three counts of Bringing Illegal Aliens to the United States. The defendant is in custody pending sentencing. The case was tried before United States District Court Judge Roslyn O. Silver from August 17-23, 2005.

The evidence at trial showed that in early May 2004, Avila-Anguiano, along with Erick Montiel-Lopez and Arturo Chacon-Rocha, received a group of three male illegal aliens into a house in west central Phoenix. Once the three illegal aliens arrived at the house, they were placed in a bedroom with plywood over the windows and ordered to remove their shoes. Witnesses in the case testified that the smuggling fee was raised from \$900 to \$3,000 per person per person and that the smugglers called the aliens' relatives and threatened to kill them if the money was not paid. Witnesses also testified that Avila-Anguiano and Montiel-Lopez carried an assault rifle and used it to intimidate the illegal aliens in the house. They further testified that Avila-Anguiano and Montiel-Lopez threatened to kill them if they did not pay.

Agents of U.S. Immigration and Customs Enforcement and officers from the Special Assignment Unit of the Phoenix Police Department rescued the hostages on May 9, 2004. When they searched the house, they found a loaded Romarm 7.62 x 39 mm semiautomatic assault rifle, additional ammunition and notebooks that contained the names of the alien hostages and their sponsor contact information.

Each of the convictions for Conspiracy to Commit Hostage Taking; Hostage Taking and Using, Carrying and Brandishing a Firearm During and in Relation to a Crime of Violence carries a maximum penalty of life in prison, a \$250,000 fine or both. Each of the first two counts of Bringing Illegal Aliens to the United States carries a maximum penalty of ten years in prison, a \$250,000 fine or both. The third count of Bringing Illegal Aliens to the United States carries a maximum penalty of fifteen years in prison, a \$250,000 fine or both. In

addition, each of the convictions for Using, Carrying and Brandishing a Firearm During and in Relation to a Crime of Violence, and Bringing Illegal Aliens to the United States provides for a minimum-mandatory term of imprisonment. In determining an actual sentence, Judge Silver will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence. A sentencing date has not yet been set.

The investigation leading to the guilty verdict was conducted by U.S. Immigration and Customs Enforcement, with assistance from the Phoenix Police Department and the Las Vegas Metropolitan Police Department. The prosecution was handled by Joseph E. Koehler, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR-04-594-03-PHX-ROS
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